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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/772,219

02/04/2004

Jeremy Green

VPI/02-127 US

2183

27916 7590 12/11/2008  
VERTEX PHARMACEUTICALS INC.  
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EXAMINER

WARD, PAUL V

ART UNIT

PAPER NUMBER

1624

MAIL DATE

DELIVERY MODE

12/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **DETAILED ACTION**

Applicant's amendment filed on August 25, 2008 is acknowledged and has been entered. However, the timely submission under 37 CFR 1.129(a) filed on August 25, 2008 is not fully responsive to the prior Office actions because Applicant failed to amend the claims in accordance with the elected material as elected in Applicant's response dated June 4, 2007, in which Applicant elected Group I.

As stated on page 2 of the Ex Parte Quayle Office Action dated June 24, 2008, "this application is in condition for allowance except for the presence of non-elected subject matter in the claims". Applicant is advised that in order for the reply to this requirement to be complete, Applicant must amend the claims to exclude the non-elected subject matter.

Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

Art Unit: 1624

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL V. WARD whose telephone number is 571-272-2909. The examiner can normally be reached on M-F 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/PAUL V WARD/  
Examiner, Art Unit 1624**

**/James O. Wilson/  
Supervisory Patent Examiner, Art Unit 1624**